

03-31-08/41

3762

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Gust H. Bardy et al.

Confirmation No.: 2599

Serial No.:

09/940,599

Examiner: J. Jastrzab

Filing Date:

August 27, 2001

Group Art Unit: 3762

Docket No.:

1201.1114101

Customer No.: 28075

For:

CANISTER DESIGNS FOR IMPLANTABLE CARDIOVERTER-DEFIBRILLATORS

TRANSMITTAL SHEET

Mail Stop Non-Fee Response Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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APR 0 2 2004

Sir:

TECHNOLOGY CENTER R3700

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 315613498 US, in an envelope addressed to: Mail Stop Non-Fee Response, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 30th day of March 2004.

By Kathleen L. Boekley
Kathleen L. Boekley

We are transmitting herewith the attached:

[] No additional claim fee required

The claim fee has been calculated as shown:

		CLAIMS	AS AMENI	DED			
	(3)	(4)	(5)	SMALI	LENTITY	OTHER	
	REMAINING CLAIMS	HIGHEST PAID	EXTRA	RATE	ADD'L FEE	RATE	ADD'L FEE
TOTAL CLAIMS	-	=		X 9=	\$	X 18=	\$
INDEPENDENT CLAIMS	-	=		X 43=	\$	X 86 =	\$
() FIRST MULTIPLE DEPENDENT CLAIM			+ 145 =	\$.	+ 290 =	\$	
TOTAL	TOTAL			\$	•	\$	*

[]	A check in the amount of \$ is enclosed. Itemization: Fee Code \$_ Fee Code \$_ Fee Code \$_
	Fee Code <u>\$</u>
[XX]	Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established.
[XX]	Other: Communication, Copy of Form PTO-1449 originally filed November 7, 2003, and 102 cited non-U.S. patent/publication references.
[XX]	Return Receipt Postcard (MPEP 503).
[XXXX]	Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413. By: David M. Crompton, Reg. No. 36,772
	David W. Crompton, Reg. No. 3 p ,772

David M. Crompton CROMPTON, SEAGER & TUFTE, LLC 1221 Nicollet Avenue, Suite 800 Minneapolis, MN 55403-2420 Telephone: (612) 677-9050

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APR 0 2 2004

TECHNOLOGY BENTER RS766



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Gust H. Bardy et al.

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COMMUNICATION

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Sir:

This paper is in response to the Office Action mailed March 3, 2004. A one-month period to comply with the notice regarding the Information Disclosure Statement was set. This Communication is filed within the one-month period for response.

Attached herewith is a copy of the Form PTO-1449 originally filed November 7, 2003 including

102 copies of non-U.S. patent/publication references in compliance with 37 CFR 1.98.

Date $\frac{3/3D/04}{}$

David M. Crompton, Reg. No. 36

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Application Number: Filing Date:

09/940,599

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

August 27, 2001 First-Named Inventor: BARDY, Gust H

Group Art Unit: **Examiner Name:** 3762

10 Sheet: of

JASTRZAB, Jeffre

4441-0016 Attorney Docket No:

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Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	TEOMNOLOGY CENTER AS Relevance		
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	A2	US- 09/663,607	09.18.2000	Bardy	Specification Page 1, Lines 9- 11 (pending)		
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Date Examiner Considered: Signature:

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COPY

Substitute for form PTO-1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number: 09/940,599
Filing Date: August 27, 2001
First-Named Inventor: BARDY, Gust H

Group Art Unit:

3762 JASTRZABEGENED

Sheet: 2 of 10 Examiner Name: Attorney Docket

Attorney Docket No: 4441-0016 APR 0 2 2004

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Examiner Date Signature: Considered:



Application Number: 09/940,599

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Filing Date: August 27, 2001 First-Named Inventor: BARDY, Gust H

Group Art Unit:

3762

Examiner Name:

JASTRZAB, Jeffrey R

Sheet:

of

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4441-0016 **Attorney Docket No:**

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Examiner	Cite	Document Number	Publication Date	Name of	Comments on
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Examiner	Date
Signature:	Considered:

Application Number: 09/940,599

INFORMATION DISCLOSURE

Filing Date: August 27, 2001 First-Named Inventor: BARDY, Gust H

Group Art Unit: STATEMENT BY APPLICANT

3762

Sheet:

of 10 **Examiner Name:**

JASTRZAB, Jeffrey R

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·		U	S PATENT DO	CUMENTS		
Examiner	Cite	Document Number	Publication Date	Name of	Comments on	
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Examiner Signature: Date Considered:





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INFORMATION DISCLOSURE STATEMENT BY APPLICANT First-Named Inventor: BARDY, Gust H **Group Art Unit:**

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Sheet: 5 of 10 JASTRZAB, Jeffrey R

Attorney Docket No: 4441-0016

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Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance APR 0 2 2004
	CS	US- 6,185,450 B1	02.06.2001	Seguine et al	ISR PCT/IB02/04476 ISR PCT/IB02/04E0HNOLOGY CENTER R3700
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Examiner Date Signature: Considered:



Application Number: 09/940,599

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August 27, 2001 First-Named Inventor: BARDY, Gust H

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Group Art Unit: . 3762

Examiner Name:

JASTRZAB, Jeffrey R

Attorney Docket No: 4441-0016 10 Sheet: of

		FOR	EIGN PATENT	DOCUMENTS	DE-0-1
Examiner Initials	Cite No.	Document Number with kind code	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on RECEIVED
~	DZ	WO 02/22208 A3	03.21.2002	Cappato et al	ISR PCT/IB03/04546 APR 0 2 2004
	EA	WO 02/24275 A2	03.21.2002	Cappato et al	ISR PCT/IB03/04516
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	C	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
Examiner	Cite	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the	T ²
Initials	No.	item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	
	ED	International Search Report dated 03.26.2002, PCT/US01/29168 filed 09.14.2001,	
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		as WO 03/018124 on 03.06.2003, "Biphasic Waveform for a Subcutaneous Implantable	
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	- F14	Area and Orientation Thereof", Inventors: Bardy et al	⊢
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	1	for Transthoracic Conduction", Inventors: Bardy et al	

Examiner	Date
Signature:	Considered:

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Application Number: 09/940,599

Filing Date: August 27, 2001

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

First-Named Inventor: BARDY, Gust H Group Art Unit: 3762

Examiner Name: J

JASTRZAB, Jeffrey R

Sheet: 7 of 10

Attorney Docket No: 4441-0016

		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS		}
Examiner	Cite	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the		1
Initials	No.	item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²]
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	1	as WO 03/018112 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction		
		with Low-Profile Installation Appendage and Method of Doing Same", Inventors" Bardy et al	<u> </u>	1
	EQ	International Search Report dated 02.20.2003, PCT/IB02/03502 filed 08.23.2002; published		
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		Defibrillator", Inventors: Ostroff et al	<u>L_</u>	
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	+==	as WO 03/039650 on 05.15.2003, "H-Bridge With Sensing Circuit", Inventors: Rissman et al	+-	-
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Application Number: 09/940,599

Filing Date:

August 27, 2001 First-Named Inventor: BARDY, Gust H

INFORMATION DISCLOSURE - STATEMENT BY APPLICANT .. Group Art Unit:

3762

Examiner Name:

JASTRZAB, Jeffrey R

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	C	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
xaminer	Cite	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the	_2
Initials	No.	item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²
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	1	Bradycardia Pacing for a Subcutaneous Implantable Cardioverter-Defibrillator*, Inventors:	
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	Ec-	Bardy et al International Preliminary Examination Report dated 09.02.2003, PCT/IB02/03525 filed	
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Examiner	Date
Signature:	Considered:



Substitute for form PTO-1449

09/940,599 Application Number:

Filing Date: August 27, 2001

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

First-Named Inventor: BARDY, Gust H

Group Art Unit: 3762

Examiner Name:

JASTRZAB, Jeffrey R

4441-0016 Attorney Docket No: Sheet: of 10

	C	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS		
Examiner	Cite	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the	_2	
Initials	No.	item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²	
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.	FW	Written Opinion dated 05.12.2003, PCT/IB02/03447 filed 08.27.2002; published as WCTECHN	ULÜÜ	Y CENTER REAL
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_		Inventors: Bardy et al	<u> </u>	1
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	1	Defibrillation With An Automatic & Completely Implanted System", by JC SCHUDER PhD et		
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		Data		7

Date Examiner Considered: Signature:





Application Number:

09/940,599

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Filing Date: August 27, 2001 First-Named Inventor: BARDY, Gust H

Group Art Unit:

3762

Examiner Name:

JASTRZAB, Jeffrey R

Sheet:

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of 10

Attorney Docket No: 4441-0016

	C	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²
	GK	Archives of Internal Medicine (Specialized Journal of the AMA), Vol 127, Feb 1971, Letters to the Editor 317pp, "Standby Implanted Defibrillators", an editorial comment by JC SCHUDER PhD	
	GL	Journal of the American Medical Association (JAMA), Vol 213, 615-616pp, 1970, "Automatic Detection & Defibrillation of Lethal ArrhythmiasA New Concept", by MIRKOWSKI et al	
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	GN	IEEE Engineering in Medicine & Biology Society Magazine – Proceedings of the Annual International Conference of the IEEE Orlando, FL, copyright 1991, Vol 13, 1674-1676 pp, "Analog to Digital Conversion Techniques in Implantable Devices", by RA WALTERS et al Comment s on Relevance: ISR PCT/IB03/04454	
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Examiner	Date
Signature:	Considered:
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